IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6440 OF 2004

Rendal Sahakari Bank Limited ..Petitioner

Vs.

Assistant Provident Fund Commissioner ..Respondent

Mr. M.S. Topkar for petitioner.
Mr. M.S. Karnik for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : August 28, 2006.

P.C.:

1. On 30th April, 2004 the Assistant Provident Fund Commissioner passed an order under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 and it appears that the petitioner-bank filed a review application against the said order. The review application was rejected and, therefore, this petition mainly contending that in support of the rejection of review application filed under Section 7-B of the P.F. Act, no reasons were set out.

2. Pursuant to the order passed by this court on 14/8/2006 the said officer has forwarded a copy of the

order rejecting the review application which reads as under:-

> "After going through the review application I am convinced that the application does not contain any merits to be considered mainly because the issues raised in the application are repetitions of the earlier submissions by the establishment during the inquiry under Section 7-A. The said issues have already been dealt with before passing the said order. There are thus no new findings that are to be taken into account and that could influence the order under Section 7-A otherwise. Hence review is rejected."

3. Mr. Topkar the learned counsel for the petitioner-bank has relied upon a deicison in the case of Prestolite India vs. Regional Director (AIR 1994 SC 521). There is no doubt that when an order under Section 7-A of the Act is passed the authority concerned is required to set out the reasons and in the instant case there is no dispute that the reasons have been set out in the original order. The main

contention raised is that while rejecting the review application, elaborate reasons have not been set out. The reasons have been quoted hereinabove and, therefore, it cannot be said that the rejection of the review application calls for any interference under Article 227 of the Constitution. The petitioner has a remedy of filing an appeal before the Appellate Tribunal, which will consider the reasoning set out in the original order dated 30/4/2004.

4. Hence, the petition is hereby rejected summarily.

(B.H. Marlapalle,J.)